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**FISCAL IMPACT STATEMENT**

**LS 7099**

**BILL NUMBER:** SB 400

**NOTE PREPARED:** Feb 22, 2010

**BILL AMENDED:** Feb 22, 2010

**SUBJECT:** Off-Road Vehicles.

**FIRST AUTHOR:** Sen. Yoder

**FIRST SPONSOR:** Rep. Austin

**BILL STATUS:** 2<sup>nd</sup> Reading - 2<sup>nd</sup> House

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
☐ **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) *Regulating Off-Road Vehicles*. This bill defines "all-terrain vehicle" (ATV) and "recreational off-highway vehicle" (ROV). It amends the definition of "off-road vehicle" for purposes of regulation of land recreation to specifically include ATVs and ROVs. The bill prohibits (1) a county, city, or town from adopting an ordinance; and (2) the Department of Natural Resources (DNR) from adopting a rule, regulation, or guideline; that imposes on off-road vehicles a dry weight limitation of less than 2,000 pounds. The bill cross-references the new ATV definition for purposes of excluding ATVs from requirements concerning the repurchase of farm or industrial machinery.

The bill provides that a governmental entity or an employee acting within the scope of the employee's employment is not liable if a loss results from the operation of an off-road vehicle by a non-governmental employee, or by a governmental employee not acting within the scope of the employment of the employee, on a public highway in a county road system outside the corporate limits of a city or town, unless the loss is the result of an act or omission amounting to gross negligence, willful or wanton misconduct, or intentional misconduct, with certain exceptions.

*Off-Road Vehicles Used for Construction Purposes*. This bill adds a 3-, 4-, or 6-wheeled construction-related motor vehicle that is: (1) capable of cross-country travel without the benefit of a road and on or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain; and (2) used primarily for construction-related purposes; to the definition of "farm wagon" for purposes of the operation of the motor vehicle on highways.

*Golf Carts on County Highways*. This bill revises provisions governing the use of golf carts on certain county roads. It provides that an ordinance authorizing the use of golf carts on county roads must require that (1)

an individual who operates a golf cart on a county road hold a driver's license; and (2) a fine assessed for a violation of the ordinance be deposited in the general fund of the county. The bill specifies that the violation of an ordinance governing the use of a golf cart on a state highway in the county is considered an ordinance violation (instead of a Class C infraction).

*Registration of Collector Snowmobiles.* This bill requires a collector snowmobile to be registered with the Department of Natural Resources (DNR) in order to be operated on public property.

**Effective Date:** July 1, 2010.

**Explanation of State Expenditures:** *Regulating Off-Road Vehicles.* This provision is within the agency's routine administrative functions and should be able to be implemented with no additional appropriations, assuming near customary agency staffing and resource levels.

(Revised) *Off-Road Vehicles Used for Construction Purposes.* This provision should have no fiscal impact. Farm wagons are not titled and are not registered. It is not an off-road vehicle when used for construction purposes. A driver's license is not required to operate a farm wagon. Since it is not an off-road vehicle, there are no restrictions on highway travel except for travel on an interstate highway.

(Revised) *Registration of Collector Snowmobiles.* The DNR may experience an increase in administrative expenses associated with adopting rules. However, the DNR should be able to cover any additional expenses given its existing level of resources.

**Explanation of State Revenues:** *Regulating Off-Road Vehicles.* The bill should result in more vehicle registrations. The fee per vehicle is \$30 for three years. The amount of additional revenue that this bill will generate is indeterminable at this time. Revenue generated from the fee is deposited in the Off-Road Vehicle and Snowmobile Fund, which is used for enforcement, construction, and maintenance of vehicle trails.

(Revised) *Golf Carts on County Highways.* Requiring the operator of a golf cart to possess a driver's license may increase the number of driver's licenses in the state. The fee for a driver's license is \$21. The following funds are affected.

Distribution of Annual Registration Fee	Fee
Motor Vehicle Highway Account (MVHA)	\$6.00
Crossroads 2000 Fund	\$3.00
BMV Tech Fund	\$0.50
Anti-Terrorism	\$1.25
Bureau of Motor Vehicles Commission (BMVC)	\$10.25
TOTAL	\$21.00

(Revised) *Registration of Collector Snowmobiles.* The bill provides for a registration fee for collector snowmobiles. Assuming that 500 collector snowmobiles will be registered, additional revenue is estimated at \$15,000. Snowmobiles must be registered once every three years. Fees are deposited into the Off-road Vehicle and Snowmobile Fund, which is administered by the DNR and used for enforcement and the construction and maintenance of off-road vehicle and snowmobile trails. Generally, collector snowmobiles are used only during special events, such as parades and shows. The Treasurer of State invests money in the

fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Money in the fund at the end of the state fiscal year does not revert to the state General Fund.

Violators may be subject to a Class C infraction. The maximum judgment for a Class C infraction is \$500, which would be deposited in the state General Fund. However, any additional revenue is likely to be small.

(Revised) Background Information: The number of golf carts in Indiana is not known.

The Motor Vehicle Highway Account may be used for road construction, reconstruction, and maintenance for cities, towns, and counties. The MVHA also supports entirely the operation of the Bureau of Motor Vehicles, a significant part of the operation of the Department of Transportation, about 61% of the operation of the State Police, and part of the operation of the state Department of Revenue.

The Crossroads 2000 Fund supports highway bonding.

The BMV Tech Fund supports technology for the Bureau of Motor Vehicles.

The Anti-Terrorism fee supports the Integrated Public Safety Commission (IPSC). The IPSC operates Project Hoosier SAFE-T. Project Hoosier SAFE-T (Safety Acting For Everyone-Together) is an initiative of the IPSC. The Commission works with local, state, and federal public safety agencies to implement a statewide, interoperable, digital, 800 MHz trunked voice and mobile data communications network for public safety officials. SAFE-T will provide 95% statewide mobile coverage through a baseline design of 126 communication sites. SAFE-T seeks to replace inadequate, obsolete, and incompatible communications systems and allow interagency coordination and response to routine, emergency, and catastrophic events. Public safety agencies independently choose whether or not to participate in SAFE-T.

The BMVC is supported by the state License Branch Fund, which operates the license branches throughout the state.

**Explanation of Local Expenditures:** The bill would impact local expenditures only if local units need to modify existing ordinances. Additionally, providing that local units are not liable under certain circumstances could protect local units from future additional expenditures.

(Revised) *Golf Carts on County Highways.* It is not known how many violations will occur from using golf carts on certain roadways under the jurisdiction of a county. The bill allows for a fine for violation of the traffic ordinance adopted by a county prohibiting the use of golf carts on certain roadways. This revenue is to be deposited into the general fund of the county.

(Revised) *Registration of Collector Snowmobiles--Penalty Provision.* If additional court actions are filed and a judgment is entered, local governments would receive revenue from court fees. However, any additional revenue is likely to be small.

#### **Explanation of Local Revenues:**

**State Agencies Affected:** DNR; Department of Transportation, BMV, State Police, Department of Revenue, all as recipients of MVHA distributions.

**Local Agencies Affected:** Counties, cities, and towns.

**Information Sources:** BMV; Don Amber, Indiana Vintage Snowmobile Association Board of Directors, 260-693-3266; Chris Smith, DNR.

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